

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, March 6, 2012, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Alderman John Clark
Alderman Valerie Joh
Alderman Michael McIntire

Vice-Mayor Tom C. Parham
Alderman Tom Segelhorst

City Administration

John G. Campbell, City Manager
J. Michael Billingsley, City Attorney
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Mr. Jonathan Mowdy.
- II.B. **INVOCATION:** By Russ Pearson – Youth Minister First Presbyterian Church.
- III.A **SWEARING-IN ELECTED BOARD MEMBER OFFICIALS** – City Recorder James Demming swore in Alderman John Clark.
- III.B **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Jantry Shupe.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Parham/Segelhorst, to approve minutes for the following meetings:

- A. February 20, 2012 Regular Work Session
- B. February 21, 2012 Regular Business Meeting
- C. February 21, 2012 Special Called Business Meeting

Approved: All present voting “aye.”

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.** None.

A. **PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

B. **BUSINESS MATTERS REQUIRING FIRST READING.** None.

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C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

**1. Consideration of an Ordinance Establishing a Golf Course
Community Zoning District (AF: 31-2012).**

Motion/Second: McIntire/Joh, to pass:

ORDINANCE NO. 6181, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, CHAPTER 114, ARTICLE III, TO ESTABLISH GOLF COURSE COMMUNITY DISTRICT ZONING; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, and Phillips voting "aye."

**2. Consideration of an Ordinance Vacating Two Alleys Located
Behind 301 East Center Street and Declaring the Property Surplus (AF: 32-2012).**

Motion/Second: Segelhorst/McIntire, to pass:

ORDINANCE NO. 6182, AN ORDINANCE TO VACATE FOR PUBLIC USE AND DECLARE SURPLUS TWO ALLEYS SITUATED IN KINGSPORT, TENNESSEE, ELEVENTH CIVIL DISTRICT OF SULLIVAN COUNTY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, and Phillips voting "aye."

D. OTHER BUSINESS.

**1. Consideration of a Resolution to Ratify the Mayor's Signature
in Signing All Documents Necessary to Apply for and Receive a Tennessee State
Library and Archives Grant for the Kingsport Public Library
Renovation/Expansion Project (AF: 62-2012).** City Manager Campbell provided details on this item. He stated the amount was \$100,000 with no required match and would reduce the amount that has been set aside already.

Motion/Second: Joh/Parham, to pass:

Resolution No. 2012-154, A RESOLUTION RATIFYING THE MAYOR'S SIGNATURE ON TENNESSEE STATE LIBRARY AND ARCHIVES APPLICATION FOR A GRANT AND ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A TENNESSEE STATE LIBRARY AND ARCHIVES GRANT FOR THE KINGSPORT PUBLIC LIBRARY

Passed: All present voting "aye."

**2. Consideration of a Resolution Accepting the Donation of a
License to Use Real Property and Authorizing the Mayor to Execute a Lease of
Property Located at 2309 East Center Street (AF: 69-2012).** City Manager Campbell

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noted this was a desirable location above a business in the Highland area and was donated by Police Chief Gale Osborne.

Motion/Second: Parham/McIntire, to pass:

Resolution No. 2012-155, A RESOLUTION ACCEPTING A DONATION, BY ACCEPTANCE OF LICENSE OF THE USE OF REAL PROPERTY LOCATED AT 2309 EAST CENTER STREET FOR USE AS A SUBSTATION FOR THE POLICE DEPARTMENT; APPROVING A LEASE OF THE PROPERTY FROM THE OWNER; AUTHORIZING THE MAYOR TO EXECUTE A LEASE FOR THE PROPERTY WITH THE OWNER AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE LEASE; AND AUTHORIZING THE MAYOR TO MAKE CERTAIN CHANGES TO THE LEASE, IF NEEDED

Passed: All present voting "aye."

3. Consideration of a Resolution Approving Settlement of a Lawsuit (AF: 58-2012). City Attorney Billingsley commented this has been an ongoing litigation and has been in mediation. He further stated that because of the risk involved and the cost of defense, the settlement is the advisable choice. Mayor Phillips pointed out this is also the recommendation of the Tennessee Municipal League attorney Julia West. He further commented that although they may not necessarily agree, this is the wisest move regarding tax payer's dollars. Alderman McIntire mentioned that Tommy Hulse has mediated at no charge to the city and offered thanks from the Board.

Motion/Second: Joh/McIntire, to pass:

Resolution No. 2012-156, A RESOLUTION AUTHORIZING SETTLEMENT OF A LAWSUIT; AUTHORIZING ATTORNEYS FOR THE CITY TO ENTER AN ORDER REGARDING THE SAME; AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE SETTLEMENT

Passed: All present voting "aye."

4. Consideration of a Resolution to Authorize the Rejection of All Bids Submitted for the Safe Routes to School (SRTS) Project for Roosevelt and Kennedy Elementary Schools (AF: 70-2012). City Manager Campbell stated that all the bids were way over the engineer's estimates and for the City to self-perform these projects would be a more cost-effective solution. Mayor Phillips pointed out that the normal price is \$23 per square foot and the lowest bid was at \$88 per square foot. Vice-Mayor Parham noted there would be a future work session discussion to put together a plan on this issue.

Motion/Second: Segelhorst/Parham, to pass:

Resolution No. 2012-157, A RESOLUTION REJECTING ALL BIDS RELATED TO THE SAFE ROUTES TO SCHOOL PROJECT FOR ROOSEVELT AND KENNEDY ELEMENTARY SCHOOLS

Passed: All present voting "aye."

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E. APPOINTMENTS/REAPPOINTMENTS.

Appointments/Reappointments are considered under one motion.

Motion/Second: McIntire/Clark, to approve:

1. ~~Consideration of an Appointment to the Sidewalk Committee Board~~ (AF: 26-2012). This agenda item was pulled.

2. **Consideration of a Reappointment to the Kingsport Public Library Commission** (AF: 45-2012).

Approve:

REAPPOINTMENT OF MS. KARLA KARST TO SERVE ANOTHER THREE-YEAR TERM ON THE **KINGSPORT PUBLIC LIBRARY COMMISSION**, EFFECTIVE APRIL 1, 2012 AND EXPIRING ON MARCH 31, 2015.

Passed: All present voting "aye."

3. **Consideration of a Reappointment to the Historic Zoning Commission** (AF: 63-2012).

Approve:

REAPPOINTMENT OF MR. TED COMO TO SERVE ANOTHER FIVE-YEAR TERM ON THE **HISTORIC ZONING COMMISSION**, EFFECTIVE IMMEDIATELY AND EXPIRING ON FEBRUARY 28, 2017.

Passed: All present voting "aye."

4. **Consideration of an Appointment to the 911 Board of Directors** (AF: 71-2012).

Approve:

APPOINTMENT OF MR. HUNTER WRIGHT TO SERVE A FOUR-YEAR TERM ON THE **911 BOARD OF DIRECTORS**, EFFECTIVE IMMEDIATELY AND EXPIRING ON FEBRUARY 28, 2016.

Passed: All present voting "aye."

5. **Consideration of a Reappointment to the Kingsport Housing & Redevelopment Authority** (AF: 74-2012).

Approve:

REAPPOINTMENT OF MR. JOHN VANDEVATE TO SERVE ANOTHER FIVE-YEAR TERM ON THE **KINGSPORT HOUSING & REDEVELOPMENT AUTHORITY**, EFFECTIVE IMMEDIATELY AND EXPIRING ON MARCH 1, 2017.

Passed: All present voting "aye."

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VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Parham/McIntire, to adopt:

**1. Consideration of an Ordinance to Appropriate Cultural Arts
Funding Received from the Kingsport Community Foundation (AF: 43-2012).**

Adopt:

Ordinance No. 6183, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM KINGSFORT COMMUNITY FOUNDATION FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE
Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, and Phillips voting "aye."

**2. Consideration of an Ordinance to Project GP 0902 Budget by
Appropriating Funds from the Criminal Forfeiture Fund (AF: 55-2012).**

Adopt:

Ordinance No. 6184, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BY TRANSFERRING FUNDS FROM THE CRIMINAL FORFEITURE FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, and Phillips voting "aye."

**3. Consideration of an Ordinance to Amend Various Projects
(AF: 56-2012).**

Adopt:

Ordinance No. 6185, AN ORDINANCE TO AMEND VARIOUS PROJECTS FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, and Phillips voting "aye."

**4. Consideration of Approval of Offers for Easements and Rights-
of-Way of the Cleek Road Improvement Project (AF: 68-2012).**

Approve:

OFFERS FOR EASEMENTS AND RIGHTS-OF-WAY FOR THE CLEEK ROAD
IMPROVEMENT PROJECT

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Passed in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, and Phillips voting "aye."

VIII. COMMUNICATIONS.


A. CITY MANAGER. Mr. Campbell congratulated Alderman Clark and stated he looked forward to working with him.

B. MAYOR AND BOARD MEMBERS. All of the Board members welcomed Alderman Clark to the BMA. Alderman Segelhorst also mentioned the Home Show exhibit that was held at Meadowview last weekend and commended the city employees who volunteered, noting he appreciated their time. Vice-Mayor Parham commented on the synthetic drug issue, applauding the community for pulling together in so many ways. The Vice-Mayor further noted that Kingsport led the region in this effort and now it was up to the state legislature to do their job. Mayor Phillips encouraged everyone to keep pressure on the state legislators to ban these synthetic drugs. The Mayor then presented a print of Church Circle to Alderman Clark. Mr. Clark thanked everyone for their time over the last two weeks, noting he has already learned a lot. He stated there were incredible people working for the city and he looks forward to making a contribution.

C. VISITORS. Mr. Timothy Johnson, 1526 Nall Street, thanked the Board and Police Chief for their efforts and commented on issues in his neighborhood.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 7:45 p.m.


ANGELA MARSHALL
Deputy City Recorder


DENNIS R. PHILLIPS
Mayor